

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEIGH REED-PRATT,

Plaintiff,

v.

Case No. 20-12129

JANICE WINFREY,
DETROIT ELECTION COMMISSION,
and DETROIT DEPARTMENT OF ELECTIONS,

Defendants.

/

**THIRD ORDER TO SHOW CAUSE AND ADJOURNING WITHOUT DATE THE
DEADLINE FOR FILING A RESPONSIVE PLEADING**

Plaintiff Leigh Reed-Pratt brings this action for alleged violations of her procedural and substantive due process rights, as well as a claim seeking an order of criminal contempt for Defendants' violation of an injunction issued by a state court pursuant to Michigan law. (ECF No. 1, PageID.4-20.) She alleges Defendants have mailed, and plan to continue to mail, unsolicited absentee voter applications to voters in Detroit contrary to specified terms of the injunction. (*Id.*, PageID.6-7.)

Currently pending is an order to show cause why the court should not decline to exercise supplemental jurisdiction over Counts II and III of the Amended Complaint. (ECF No. 22.) On August 18, 2020, the court conducted a telephone conference, off the record, to discuss the status of the case. During the conference, the court informed the parties that it was concerned that the pending cases in the state court of claims could impact abstention principles over this federal action. Specifically, the court is inclined to find that this case should be either stayed or dismissed without prejudice

based on considerations of federalism, comity, and/or the *Colorado River* abstention doctrine. See *Romine v. Compuserve Corp.*, 160 F.3d 337, 339-41 (6th Cir. 1998) (citing *Colorado River Water Conservation District v. United States*, 424 U.S. 800, 817-19 (1976)). In *Colorado River*, the Supreme Court held that federal courts may abstain from hearing a case solely because similar pending state court litigation exists. *Colorado River*, 424 U.S. at 817; *Romine*, 160 F.3d at 339. “[D]espite the virtually unflagging obligation of the federal courts to exercise the jurisdiction given them, . . . considerations of judicial economy and federal-state comity may justify abstention in situations involving the contemporaneous exercise of jurisdiction by state and federal courts.” *Romine*, 160 F.3d at 339 (quotation removed). Accordingly,

Plaintiff is ORDERED to show cause by **August 24, 2020**, why this entire case should not be stayed or dismissed without prejudice pursuant to issues of comity, federalism, and abstention. This order does not impact Plaintiff’s concomitant requirement to show cause why the court should not decline to exercise supplemental jurisdiction over Counts II and III and dismiss them without prejudice. (ECF No. 22.) Defendants are DIRECTED to file a responsive brief by **August 31, 2020**. Unless otherwise ordered, the court will decide this issue on the briefs.

IT IS FURTHER ORDERED that the deadline to file a responsive pleading to Plaintiff’s Amended Complaint (ECF No. 22) is ADJOURNED WITHOUT DATE.

Finally, IT IS ORDERED that the hearing on Plaintiff’s request for a preliminary injunction is ADJOURNED WITHOUT DATE. The court will first consider the responses

to the orders to show cause before setting a hearing on the motion for preliminary injunction.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 19, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 19, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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